

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference K12F1393	FOR FURTHER ACTION		See item 4 below
International application No. PCT/JP2004/012361	International filing date (<i>day/month/year</i>) 27 August 2004 (27.08.2004)	Priority date (<i>day/month/year</i>) 03 September 2003 (03.09.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant NAKAMURA, Toshikazu			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input checked="" type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

		Date of issuance of this report 26 June 2006 (26.06.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Authorized officer Masashi Honda e-mail: pt08@wipo.int	

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference K12F1393		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2004/012361	International filing date (day/month/year) 27.08.2004	Priority date (day/month/year) 03.09.2003
International Patent Classification (IPC) or both national classification and IPC		
Applicant NAKAMURA, Toshikazu		

<p>1. This opinion contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>
<p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p>

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

the entire international application

claims Nos. 9-16, 27

because:

the said international application, or the said claims Nos. 9-16, 27

relate to the following subject matter which does not require an international preliminary examination (*specify*):

Claims 9-16 and 27 relate to methods for treatment of the human body by therapy and thus relate to a subject for which the International Examining Authority is not required to perform a preliminary search, in compliance with PCT Article 17 (2)(a)(i) and PCT Rule 39.1 (iv).

the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____ are so unclear that no meaningful opinion could be formed (*specify*):

the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

no international search report has been established for said claims Nos. 9-16, 27

the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

has not been furnished

does not comply with the standard

the computer readable form

has not been furnished

does not comply with the standard

the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

See Supplemental Box for further details.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																			
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Novelty (N)</td> <td style="width: 40%;">Claims</td> <td style="width: 30%; text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims <u>1-8, 17-26</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td>Claims</td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims <u>1-8, 17-26</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td>Claims</td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td>Claims <u>1-8, 17-26</u></td> <td style="text-align: right;">NO</td> </tr> </table>			Novelty (N)	Claims	YES		Claims <u>1-8, 17-26</u>	NO	Inventive step (IS)	Claims	YES		Claims <u>1-8, 17-26</u>	NO	Industrial applicability (IA)	Claims	YES		Claims <u>1-8, 17-26</u>	NO
Novelty (N)	Claims	YES																		
	Claims <u>1-8, 17-26</u>	NO																		
Inventive step (IS)	Claims	YES																		
	Claims <u>1-8, 17-26</u>	NO																		
Industrial applicability (IA)	Claims	YES																		
	Claims <u>1-8, 17-26</u>	NO																		
<p>2. Citations and explanations:</p> <p>Document 1: US 5821223 A (The United States of America as represented by the Department of Health and Human Services) 13 October 1995 Document 2: Toyoda, M. et al, FEBS Letter, 2001, Vol. 509, pp.95-100,</p> <p><u>Claims 1-8 and 17-26</u></p> <p>The inventions of claims 1-8 and 17-26 do not appear to possess novelty or involve an inventive step based on documents 1 and 2 cited in the ISR.</p> <p>Document 1 describes human recombinant PLGF, namely, human recombinant HGF having five amino acid residues deleted in the first Kringle domain, having growth promotion action on epithelial cells and the like and effective in the treatment of damaged epithelial cells; the invention of the present application and the invention described in document 1 cannot be differentiated.</p> <p>In addition, as described in document 2, because HGF is known to have vascularization promotion action and granulation promotion action, investigating whether the protein of the invention of the present application having amino acid sequence resembling HGF has this action could be easily achieved by a person skilled in the art.</p>																				